

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES SCOTT,

Plaintiff,

Case Number: 06-13313

v.

HONORABLE AVERN COHN

JAMES FREEBURN,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND  
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND  
DISMISSING CASE**

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff James Scott, proceeding pro se, filed a complaint against defendant James Freeburn, a corrections officer at the facility where plaintiff is incarcerated, claiming that defendant violated his constitutional rights by retaliating against him for exercising his right to file lawsuits and grievances. Plaintiff claims a violation of his First Amendment right of access and intentional infliction of emotional distress. He seeks compensatory and punitive damages. The case was referred to a magistrate judge for all pre-trial proceedings. Defendant filed a motion for summary judgment. The magistrate judge issued a report and recommendation (MJRR) recommending that defendant's motion be granted.

Before the Court are plaintiff's objections to the MJRR. Having carefully reviewed the objections, the Court finds that the magistrate judge's recommendation that plaintiff has failed to establish a violation of his constitutional rights is correct. Plaintiff's objections simply present the same arguments considered and rejected by the magistrate judge.

Accordingly, the findings and conclusions of the magistrate judge are adopted as the findings and conclusions of the Court. Defendant's motion for summary judgment is GRANTED. This case is DISMISSED.

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: April 17, 2007

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record and James Freeburn, 124522, G. Robert Cotton Correctional Facility, 3510 N. Elm Street, Jackson, MI 49201 on this date, April 17, 2007, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160